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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,518	10/13/2000	Rich Karstens	PALM-3513	7809

7590 12/02/2004

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EXAMINER

LE, DANH C

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/687,518	KARSTENS ET AL.	
	Examiner	Art Unit	
	DANH C LE	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-31 and 33 is/are allowed.
- 6) ☒ Claim(s) 1-22 and 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 14-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Bjorn (US 6,714,222).

As to claim 14, Bjorn teaches a method for automatically delivering a phone call to a device (col.13, line 28-col.14, line 54), said method comprising:

monitoring for incoming phone calls by a task of an operating system of said device, said task interfacing directly with the telephony functionality of said device, said task always remaining active irrespective of activities of said operating system;

receiving said incoming phone call by said task; and

said task notifying a user of said device of said incoming phone call irrespective of said user's activity on said device and without terminating said activities.

As to claim 15, Bjorn teaches the method as recited in claim 1 wherein said portable electronic device is a palmtop computer system (col.13, line 28-col.14, line 54).

As to claim 16, Bjorn teaches the method as recited in Claim 14 further comprising answering said incoming call by the user (col.13, line 28-col.14, line 54).

2. Claim 1-5, 13, 23, 24, 27-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bjorn (US 6,714,222).

As to claim 1, Bjorn teaches in a subscriber computer, a method for automatically delivering a phone call (col.13, line 28-col.14, line 54), said method comprising:

monitoring for incoming phone calls by a background task of an operating system of said device, said background task interfacing directly with the telephony functionality of said device, said background task always active, said operating system including at least one application;

detecting said incoming phone call by said background task;

notify said operating system of said incoming phone call by background task; and

notifying a user of said device of said incoming phone call by said background task irrespective of the user's activity on said device without terminating said application.

Bjorn fails to teach a subscriber computer is a portable electronic device.

However, the teaching of a portable electronic device is obvious since Bjorn teaches to handle an incoming directing to other device such as the mobile wireless handset.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of mobile wireless handset into the system of Bjorn in order to permit the subscriber to be alerted about calls when the subscriber using the mobile wireless handset.

As to claim 2, Bjorn teaches the method as recited in claim 1 wherein said portable electronic device is a palmtop computer system (col.13, line 28-col.14, line 54).

As to claim 3, Bjorn teaches the method as recited in Claim 1 further comprising answering said incoming phone call by said user (col.13, line 28-col.14, line 54).

As to claim 4, Bjorn teaches the method as recited in Claim 3 wherein said notifying said operating system comprises operating to notify said user of said device of said incoming phone call by said background task irrespective of said user's activity on said device, provided said graphical user interface is blocked (col.13, line 28-col.14, line 54).

As to claim 13, Bjorn teaches the method as recited in Claim 3 wherein said answering is performed by acknowledging an incoming call display on said graphical user interface (figure 1).

As to claims 5, 31-33, the combine of Bjorn and Gonzalez teaches the system as recited in claim 23, wherein the application is a graphical User interface and graphical user interface with an image of a cellular phone keypad and digitry (Bjorn, figure 5).

3. Claims 7-9, 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bjorn in view of Gonzalez (EP 0940 964).

As to claims 7-9, 17-19, Bjorn teaches the method as recited in claim 1, Bjorn fails to teach the notifying said user is performed by activating a ringer, a vibrator, LEDS on said device. Gonzalez teaches the notifying said user is performed by activating a ringer, a vibrator, LEDS on said device (col.3, line 48-58, col.6, line 30-41). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Gonzalez into the system of Bjorn in order to activate a virtual warning device.

4. Claims 10-12, 20-22, 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bjorn in view of Baranowski (US 6,370,401).

As to claims 11-12, 21-22, 25-26, Yang teaches the method as recited in Claim 3 wherein step e) is performed by pressing a button on the keypad or device. Bjorn fails to teach a headset and earbud coupled to said device. Baranowski teaches a headset and earbud coupled to said device (col.2, lines 7-41). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Baranowski into the system of Bjorn in order to enhance system performance of the portable television phone.

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance:

Claims 23-31, 33 are allowed.

As to claim 23, the teaching of prior arts either alone or in combination fails to teach all the limitations of the recited claim.

Dependent claims 24-31, 33 are allowable for the same reason.

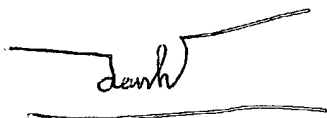
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C LE whose telephone number is 703-306-0542. The examiner can normally be reached on 8:00AM-5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'danh', with a horizontal line drawn underneath it.

November 26, 2004

DANH CONG LE
PATENT EXAMINER